

REMARKS

Summary of the Office Action

Claims 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (U.S. Patent No. 6,865,551 B1) (hereinafter "Stefik") in view of an article by Kaplan ("IBM Cryptolopes, Superdistribution and Digital Rights Management") (hereinafter "Kaplan").

Summary of the Response to the Office Action

Applicant has amended independent claim 11 to differently describe embodiments of the disclosure of the instant application's specification. Accordingly, claims 11-15 currently remain pending for consideration.

Rejections under 35 U.S.C. § 103(a)

Claims 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik in view of Kaplan. Applicant has amended independent claim 11 to differently describe embodiments of the disclosure of the instant application's specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicant has amended independent claim 11 of the instant application to describe a combination of features including the sending of "the digital information with the duplicate-time limit information to a dedicated storage provided in the storage server and allocated exclusively for a user of the user device in accordance with the order..." In the amendment to independent claim 11 implemented by this Amendment, "dedicated" is used to demonstrate that the dedicated

storage is different from a mere storage server. Support for this amendment is found, for example, at the underlined portions of the paragraphs of the instant application's specification quoted below and Figure 2c of the instant application:

“FIG. 2C exemplifies the configuration of the storage server 60. The storage server 60 includes, as shown therein, a storage 62 as a storage, a communication unit 64, an authentication unit 66, and a controller 68. The storage 62 is able to memorize(storage) contents bought by a user from the EMD server 40 through the user device 20. The communication unit 64 performs communication with both the user device 20 and the EMD server 40 via the Internet. Base on information provided from the user device 20, the authentication unit 66 carries out the authentication of a user. Further, the controller 68 controls the operations of the storage 62, communication unit 64, and authentication unit 66 (page 17, line 24 – page 18, line 2 of the instant application's specification, emphasis added).”

“In response to the reception of the ordered contents from the EMD server 40, the storage server 60 obtains in the storage 62 a memory area for the user who ordered, and stores the received contents, together with information, such as the user's ID, necessary for the authentication of the user (step S19). That is, the storage 62 is made to correspond to each user through each user's ID or others (page 20, lines 12-18 of the instant application's specification, emphasis added).”

“The user is thus able to buy the desired contents from the EMD server 40 and store them in the storage 62 of the storage server 60. Then, using the client function of the mobile type of user device 20, the user is able to check out (output) the desirably bought contents from the

storage 62 of the storage server 60 via the Internet (page 20, lines 19-24 of the instant application's specification, emphasis added)."

Applicant respectfully submit that Stefik only discloses that digital information is copied from repository 1 to repository 2. It is not specifically disclosed that repository 2 or 201 further has a special area dedicated (allocated exclusively) for a user or the repository 2 or 201 itself is a special device dedicated (allocated exclusively) for the user. With no disclosure and no suggestion about a feature of "dedicated (allocated exclusively) storage" in Stefik, this rejection cannot be maintained.

In addition, the Examiner asserts in the Office Action that Kaplan discloses a communication unit (Publisher) for transmitting an order to the information distribution server (Royalty Clearing Center) and a input/output request to the storage server through the network (Figure on page 6 of Kaplan).

Accordingly, in the Examiner's rejection, "Publisher" allegedly corresponds to a communication unit and the "Royalty Clearing Center" allegedly corresponds to an information distribution server. However, Applicant respectfully traverses such assertions for at least the following reasons. Applicant respectfully submit that in Kaplan, the disclosed "Publisher" is situated at a side of copyright owner, and the disclosed "Royalty Clearing Center" functions to collect a royalty in lieu of the "Publisher." Applicant respectfully submit that Kaplan provides a technique of IBM Cryptolopes (R), which realizes encryption and decryption of digital data, access authorization, as well as data preservation and prevention of secrecy leakage in both network and offline distributions. Kaplan's disclosed "Publisher" issues and sells a public key for allowing use of contents.

Therefore, Applicant respectfully submit that, in Kaplan, a “Publisher,” who originally has a copyright of digital information, does not correspond to “a communication unit for transmitting an order to the information distribution server and an input/output request to the storage server through the network” as specifically described in independent claim 11 of the instant application. Even further, Kaplan only discloses that it’s “Royalty Clearing Center” functions to collect a royalty in lieu of a “Publisher.” As a result, Kaplan’s “Royalty Clearing Center” does not correspond to the “information distribution server for distributing the digital information in the database” as specifically described in independent claim 11 of the instant application.

Furthermore, in accordance with the disclosed order of embodiments of the disclosure of the instant application, Applicant respectfully submits that the information distribution server attaches duplicate-time limit information to the digital information and sends the digital information with the duplicate-time limit information to a storage provided in the storage server and allocated exclusively for a user of the user device. However, the Stefik and Kaplan references, whether taken separately or in combination with each other, fail to disclose, or even suggest, that such attachment and sending features are conducted in accordance with an order in the manner specifically described in independent claim 11 of the instant application.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither of Stefik and Kaplan, whether taken separately or in combination, teaches or suggests each feature of newly-amended independent claim 11.

MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409

F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicant respectfully asserts that the dependent claims are allowable at least because of their dependence from claim 11, and the reasons set forth above.

CONCLUSION

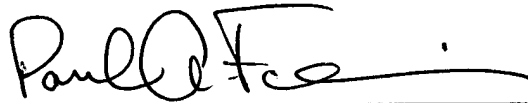
In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully requests timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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